App F IX-4

*Previous References*

1938-9
(Kmz)

**File No.** 269-38
**Serial Nos.** 1—2

*Letter References*

RESERVED

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 2120

**Part B for** March 39

**SUBJECT.**

Appeal - Peteh - 3 Malamagatara Magamagatka Hamah appealing against the Orders, M C in the matter of Lease of Certain Lands belonging to Sir Byla Bracawansa, Lurtem Dengale at Hamah

A2 1467

To the my Commissioner
(for) for the Endorsement is and
Peter appellant.

Rejects the appeal - petch

23/8/39

WD 0295—GPB—22,500—13-8-37

Mg 269-38—1

In the Court of the Honourable
2nd Member of Council to the Govern-
ment of His Highness the Maharaja
of Mysore

Mg Appeal no 120 38-39

Appellant:— Malavalliana Mayakutta
Resident of Hannala
Sahyadri Sab

Respondent

Resident of Hannala

Subject

Appeal against the order of the learned
Mirasdarai Commissioner in Mirasdarai appeal
no IWI dated 2nd December 38 Confirming
the order of the Deputy Commissioner Hunsur
in Mirasdarai appeal no 3 dated 16 July 38
granting the lease of the lands belonging
to Sri Byla Basavanna Devaru Temple
at Hannala to the respondent Sahyadri
Sab

The appellant begs humbly to
submit this appeal against the above
order of the learned Mirasdarai Commissioner
in Mysore on the following and among
other grounds and prays (restoration) for
Restoration of the (lands) lease of the lands.

1 The facts of the case have been stated
in full in the preamble but up to the
enclosed Copy of the order of the Mirasdarai
Commissioner now under appeal which
may kindly be perused.

2) The humble appellant states that as the
in possession of the
pay the partial arrears
Rs. 937-30. in spite of
of the Huzdar, Halandi
and whole of the lease right was held on
30 to 38 after completely observing all the
formalities. At the time of sale the respondent
father, Sub was also present and
raised no objections when through the
respondent was not inclined to bid at
the sale the then Huzdar, found that there having
were no bidders, entered
and according he offered the highest bid
of Rs 150/- Gutta per annum. The Huzdar
gave intimation that the sale would
be confirmed in the usual Course and
he accordingly gave possession of the lands
measured to appellant - to cultivate
the land it was for having the land not
being cultivated for years, the humble appellant
spent a good deal of money for bringing the
entire land under cultivation and he thereby
spent for the cultivation more than three Hundred
Rupees (300/-)

The crop being fairly good, the respondent
approached the Sub Division Officer (Sayed
Abdul Aleem) and he ordered after the land
had been cultivated by the appellant
that the lease sale be cancelled and the respondent
given time to pay the arrears.

Against this order, the appellant approached
the Deputy Commissioner who was pleased
to grant a stay order and subsequently on the
report of the Sub Division Officer, that the respondent
had since paid up all the arrears including
the advance gutta and Solatiums Rs 750/-,
the Deputy Commissioner was pleased to
confirm the order of the Sub Division Officer
and ordered restoration of the lands to the
respondent

Regd
who were the lessee
originally
and
Gutta for
efforts on the part
3 4 15 45

~~Respondent~~ On a further representation
~~of the fact that~~ the ~~respondent~~ had spent
a good deal money for the cultivation
of the land viz (Rs) exceeding Rs 300/- the
Deputy Commissioner was however pleased
to order that the appellant may ~~take~~ the
standing crops for that year. Unfortunately
the late rains having failed, the appellant
suffered heavily At the time of taking possession
of the lands the Respondent Sabjan Sab has
admitted in the mahazar signed by himself
that the appellant had cultivated the lands
and sown the crops which he wants to deny
by stating that he did not know ~~of~~ what he
was signing etc.

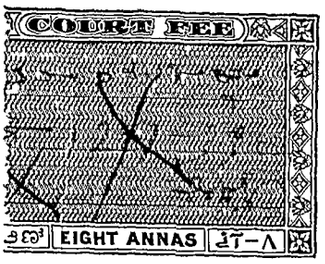
Against the order of the Deputy Commissioner,
the appellant preferred an appeal to the
Munzrai Commissioner in Munzrai appl 30-9
and Mr Abdul Wajid, the present Munzrat
Commissioner in his order dated 21-12-38
has confirmed the order of the Deputy Commissioner
without discussing the merits of the case and
~~accordingly~~ accordingly the appellant has been disturbed
of the possession of the lands.

The appellant begs to submit that the
present order of the Munzrai Commissioner is
opposed to law, facts and equity of the case.

The humble appellant begs to submit
that if he had not been enticed to bid at
the sale and given assurances to cultivate the land at great cost
he would not have bidded it and that
the present order will cause great loss to him
That equity requires that the ~~lease~~ should
be restored to him

A copy of the order appealed against is
also enclosed for kind perusal

Lt mark of Malanayaka
Mayamaika. Honnali
Dated 27/12/39




In the Court of the Munsiff [illegible]

Copying fees

Comparing ... .. 0-3-6

Copied by B. Ramaswamy Naidu

Compared by H. Hanumanthiah

"Copy"

Manager,

Mysore Commissioner's Office

Bangalore

SUBJECT .....

.....

.....

3 Copies

Section Mun

File No. Mun 269-38

Serial No.

*Diary No. of letter replied to* 1128

No. 1466

To

Mr Malanayakara Mayanay
Hanwalè.

General and Revenue Secretariat

( )

*the* *193* .

Date of issue 9-3-39

Signed by Mr D.K.V.

Yr. letter of this date 27-2-39 appealing against the order of The M.C. in the matter of the lease sale of lands belonging to Sri Gyla Basawanna devam temple at Hanwalè, Mr. Malanayakara Mayanayaka is informed that there are no reasons to interfere with the order of the M.C. in the matter & that his appeal [illegible] is rejected—

List of enclosures .....

Copied by .....

Examined by .....

[illegible]
For Secretary.

Copy to m-c- for information

B-0

Forlenkee

GENERAL AND REVENUE SECRETARIAT.

( Mu 3 )

NOTES.

File No. 269-38

FILE HEADING

Appeal petition of Malanayakara Mayanayaka Hannali.

FROM

Mayanayaka of Hannali

No. — Dated 27-2-39 Received 1-3-39

Diary No. 1129 | Enclos. 1 | Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the order of the Muzrai Commissioner in the matter of the lease of certain lands belonging to Sri Bala Basavanna Devaru temple at Hannali.

NOTES AND ORDERS.

(1) The appeal petn is duly stamped & appeal has been in time.

(2) The order appealed against has been obtained from P. W. D.

3) For this if a reference with records may be called for —

4/3

4) There is no question of land revenue. The lease and

NOTES—First Sheet

WD 0283—GPB—8,750—25-1-38

Appeal [illegible] Mayanayaka of Hinnatti

Muz File No. 165 of 1938

General and Revenue Secretariat

not

...as apparently been complied with. The No appeal seems to lie in the case. It may perhaps be dismissed

for 4/3

GENERAL SECR. 4 MAR. 1939 3090

Secy

1) It is not clear from the copy of the order whether the appellant was not put in possession of the land & whether he had not cultivated it. If the contentions of the appellant on these points are true, he has a case on equity. It is for orders whether a report may be called for or whether the petition may be rejected on the ground that no point of law is involved.

2nd member)

for 4/3

8

16 Yes 16 6-3

SECOND [illegible] No. 6/162

for 4/3

Secy

1) Draft letter

2) Form for

No. 466 of 9-3-39 to Malanayakara Mayanayaka of Hinnatti intimating that his appeal is rejected.

Memo No. 1467 of 9-3-39 to the Muzara Commissioner forwarding a copy of the decision in the case

TYPING SECTION 7 MAR 1939 ADM. & DEV. SECTT.

B 16/3

16/3

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE**

**General and Revenue Secretariat**

No. 1466/Mmz 269-38-2 *Dated, Bangalore,* 8th/9 March 1939.

**ENDORSEMENT**

Mr. Malanaikara Mayanayaka,
Honnali.

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With reference to his petition dated 27th February 1939 appealing against the orders of the Muzrai Commissioner in the matter of the lease sale of lands belonging to Sri Byla Basavannadevaru temple at Honnali, Mr. Malanayakara Mayanayaka is informed that there are no reasons to interfere with the orders of the Muzrai Commissioner in the matter and that his appeal petition is rejected.

/2

By Order,

Sd/- J. Appaji Gowda,
General Secretary to Government

Memo No. 1467/Mmz 269 38.

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore, for information.

By Order,

for General Secretary to Government.

TRM.3